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ANDREW P. FLEMING
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~~MEMO ENDORSED~~

February 13, 2008

Via Fax Only to: (914) 390-4085

Hon. Charles L. Brieant
 District Court Judge
 United States Courthouse 300 Quarropas Street
 White Plains, New York 10601

Application Granted
 3/7/08 CM/CS Canceled
 2/29/08 Motive return date as
 adjourned to 3/28/08 at 10:30
 Searched
 Feb. 19, 2008 L. Brieant
 07 CIV. 11577 (C 1B) USOT

RE: Carroll v. City of Mount Vernon, et al.

Dear Justice Brieant:

We represent the Plaintiff, Joseph Carroll, in the above-entitled action that was commenced on or about December 26, 2007. Shortly thereafter, the Defendants, through their counsel, Bond Schoeneck & King, PLLC, moved to dismiss the Complaint. The matter is set to be heard by this Court on February 29, 2008 at 10 a.m. and Plaintiff's response is due this Friday, February 15, 2008. For the reasons below, I write to the Court, in line with Your Honor's individual rules of practice, to formally request both an adjournment of the hearing date in this matter and Plaintiff's deadline within which to respond to the motion.

Mr. Carroll is awaiting receipt of his right-to-sue letter from the EEOC and once he receives same, will be seeking leave to amend his Complaint to include a Title VII cause of action. In turn, it may be that Mr. Carroll agrees to simply withdraw one or both of the current claims that the Defendants have moved to dismiss.

Because the parties are currently scheduled to appear for a pre-trial conference with the Court on March 7th, I respectfully request that Plaintiff's response (if any is to be submitted) be due shortly thereafter and that the return date on this matter (if any is still required), in turn, be rescheduled, at the Court's convenience. I have conveyed the foregoing to opposing counsel, Howard M. Miller, and he has expressed his consent to this request.

February 13, 2008
Hon. Charles L. Brieant
Page 2 of 2

Thank you for your kind consideration in this matter.

Very truly yours,

CHIACCHIA & FLEMING, LLP



Andrew P. Fleming

cc: Howard M. Miller, Esq. (516) 267-6301

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